

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Inventor(s): Mills

Group Art Unit: 1754

App'n Ser. No.: 09/501,621

Examiner(s): Langel for the
Secret Committee

Filing Date: 2/9/2000

Title: DOPED THERMIONIC CATHODE AND METHOD OF MAKING THE DOPED
THERMIONIC CATHODE

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February 6, 2002

RESPONSE AFTER FINAL UNDER RULE 116

Hon. Asst. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant files this Response to the procedurally defective Final Office Action mailed August 7, 2001, **UNDER PROTEST** due to the suspicious circumstances under which the subject application as been examined and rejected in secret after five of his other applications were unlawfully withdrawn from issue and then reexamined, also in secret, after having been allowed. These circumstances have resulted in four U.S. Senators requesting that Senator Patrick Leahy, Chairman of the Judiciary Committee overseeing the PTO, and/or Commerce Secretary Donald Evans, look into this matter.

The August 7 Final Action is also fatally defective on the merits in rejecting all pending claims 1-271 on the erroneous basis that the disclosed invention is inoperative under 35 U.S.C. § 101 and non-enabling under § 112, first paragraph, without fully and fairly considering Applicant's overwhelming experimental evidence to the contrary.

These highly improper actions go beyond the ordinary rejection of claims, having caused real economic hardship to Applicant, Dr. Randell L. Mills, and his company, BlackLight Power, Inc. Such hardship includes an almost two-year delay in BlackLight's scheduled IPO through Morgan Stanley Dean Witter and the undue expense of litigating against the PTO for their unlawful acts.